REMARKS

In the Office Action[1], the Examiner rejected claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,001 to Semper et al. ("*Semper*").

Applicant respectfully traverses the rejection of claims 1-25 under 35 U.S.C. § 102(e) as anticipated by *Semper*. In order to properly establish that *Semper* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a method comprising, for example:

> receiving a first message including a first integer;
> sending a second message including a second integer, the second message sent in response to the first message;
> receiving a third message including data and a third integer, the third integer serving to authenticate the third message; and
> sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message.

Semper does not disclose each and every element of Applicant's claimed invention.

Semper discloses "a medium access control (MAC) message acknowledgment system for acknowledging MAC messages transmitted in an RF control channel between the wireless communication device and a remote communications unit" (col. 2,

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

lines 17-21). A MAC acknowledgment request system is implemented in both a base transceiver station and mobile units. The MAC acknowledgment request system receives an incoming MAC message packet from the transceiver station, and the MAC acknowledgment control processor strips off the header and sends the resulting incoming MAC message unit to the MAC layer (col. 6, lines 1-5). The header consists of a two-bit control field and a one-bit sequence number (col. 6, lines 6-8).

The Examiner cites col. 6, lines 38-52 as allegedly corresponding to the claimed "first message" and "second message" (Office Action at pages 2-3). This is not correct. This passage of *Semper* describes two possible values for the two-bit control field. For example, a "control field 301 value of '10' (binary) indicates to a receiving device that the current incoming MAC message packet 300 constitutes an acknowledgment from a receiving device . . . " (col. 6, lines 39-42). "A control field 301 value of '01' (binary) indicates to a receiving device that the current incoming MAC message packet 300 contains a new incoming NMU 303 . . . " (col. 6, lines 48-50).

These binary values are contained within the header of the message packet. Even assuming that these indicators could constitute the claimed "integer," which Applicant does not concede, binary "01" or "10" are merely examples of the control field value within the header. However, the value is only contained within the header of one message. There is no teaching or suggestion in *Semper* that binary "10" corresponds to a "first message including a first integer" and binary "01" corresponds to "a second message including a second integer, the second message sent in response to the first message," as recited in claim 1.

The Examiner cites col. 6, lines 26-33 of *Semper* to allegedly disclose the claimed "receiving a third message including data and a third integer, the third integer serving to authenticate the third message" (Office Action at page 3). This is not correct.

This passage of *Semper* discloses the "1-bit internal sent sequence number (ISSN) 222" which is contained within the header of the packet. This sequence number and one of the binary values described above are contained within the header (col. 6, lines 6-8). There is no teaching in *Semper* that the sequence number is contained within a "third message." Therefore, *Semper* also does not teach or suggest the claimed "receiving a third message including data and a third integer, the third integer serving to authenticate the third message."

The Examiner cites col. 8, lines 52-65 of *Semper* to allegedly disclose the claimed "sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message" (Office Action at page 3). This is not correct.

This passage of *Semper* discloses the acknowledgement request system "during receipt of an incoming MMU from MAC layer 201" (col. 8, line 54). MMU 303 is received from MAC layer 201 and the MAC acknowledgement request system "attaches a header to a newly received MMU 303 and sets control field 301 to '01'." The MAC acknowledgment request system "stores a copy of the outbound MAC message" packet and "sends the outbound MAC message packet 300 to transceiver 230" (col. 8, lines 62-65).

These steps illustrate the operation of the MAC acknowledgment request system. MMU 303 is received and a MAC message packet 300 is transmitted. Applicant finds

no teaching or suggestion in this passage or any other passage of *Semper* of "sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message," as recited in claim 1. On the contrary, the passages of *Semper* cited by the Examiner (i.e. col. 6, lines 38-52 and col. 8, lines 52-65) disclose a single message packet that contains a 3-bit header. The control field value 301, contained within the header, may change to indicate different messages.

Therefore, *Semper* does not teach or suggest the claimed "receiving a first message including a first integer; sending a second message including a second integer, the second message sent in response to the first message; receiving a third message including data and a third integer, the third integer serving to authenticate the third message; and sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message," as recited in claim 1.

Accordingly, *Semper* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons, and claims 2-12 are also allowable at least due to their depending from claim 1.

Independent claims 15, 16 and 24, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Semper* for at least the same reasons discussed above in regard to claim 1. Moreover, claims 17-22 are also allowable at least due to their dependence from claim 16.

Regarding independent claims 13, 14, 23, and 25, the Examiner cites col. 6, lines 1-26 of *Semper* to allegedly disclose every element of the claims. This is not correct.

This passage of *Semper* discloses the header and MMU 303. MMU 303 may be 21 bits long, and MAC acknowledgment control processor 211 "maintains a 1-bit internal received sequence number (IRSN) 221 in memory 213 that holds the sequence number 302 of the last incoming MMU 303 that was sent to MAC layer 201" (col. 6, lines 12-15). "MAC acknowledgment control processor 211 compares sequence number 302 of new incoming MMU 303 to IRSN 221," and incoming MMU 303 is sent to MAC layer 201 "only if sequence number 302 does not match IRSN 221" (col. 6, lines 17-21).

According to this passage of *Semper*, a 1-bit internal received sequence number (IRSN) 221 of the last incoming MMU 303 is maintained in memory 213. This number is compared with the sequence number of the new incoming MMU 303. If they do not match, the incoming MMU is sent to MAC layer 201. In contrast, claim 13 requires "receiving a request to send message, the request to send message including a first integer; sending, in response to the received request to send message, a clear to send message including the first integer and a second integer; receiving a data message including the second integer, the second integer serving to authenticate the data message; and sending, in response to the received data message, an acknowledgement message including the first integer." Applicant submits that *Semper* does not teach or suggest these elements and that the Examiner has not cited the specific portion of *Semper* that allegedly corresponds to the claimed "first integer," "second integer," and "acknowledgement message."

Accordingly, *Semper* cannot anticipate claim 13. Thus, claim 13 is allowable for at least these reasons. Independent claims 14, 23, and 25, while of different scope,
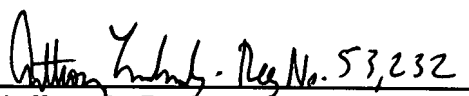
recite limitations similar to those of claim 13 and are thus allowable over *Semper* for at least the same reasons discussed above in regard to claim 13.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____ Reg. No. 53,232

     for Jeffrey A. Berkowitz
     Reg. No. 36,743

Finnegan, Henderson, Farabow,
  Garrett & Dunner, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
(202) 408-4000